



Pro Bono Collaborative Law Firm *Pro Bono* Policy Worksheet

December 5, 2008

I. A Note About Pro Bono:

Fulfillment of the fundamental ethical and professional obligation of all lawyers to render *pro bono* legal service is central to core principles of our legal system: equal opportunity and fairness under law. Having a written *pro bono* policy for your law firm makes good business sense and clarifies the firm's process and commitment to fulfilling this obligation. *Pro Bono* work provides personal satisfaction, important training and experience, opportunities to attract new clients and reinforce relationships with existing clients, opportunities to attract top law school graduates, and increases access to justice for your low-income neighbors.

Last year, the Rhode Island Supreme Court Amended Rule 6.1 of the Rules of Professional Conduct, to provide the aspirational goal that each attorney perform 50 hours of *pro bono* service per year.

II. The Worksheet

This worksheet poses questions to guide you in developing a written *pro bono* policy and ensuring that your policy contains the elements key to any good *pro bono* policy.

Good *pro bono* policies should contain the following sections:

1. *Pro bono* Standards
2. *Pro bono* Expectations
3. *Pro bono* Defined
4. Coordination of *pro bono* Work
5. Staffing and Supervision of *pro bono* Activities
6. Recognition of *pro bono* Work

Questions to Consider:

What national *pro bono* standards does the firm support?

ABA Model Rule 6.1 http://www.abanet.org/cpr/mrpc/rule_6_1.html
Pro bono Institute's definition <http://www.probonoinst.org/challenge.text.php>

How many hours of *pro bono* service will the firm expect or recommend that each lawyer complete annually?

- 80
- 60
- 50 (NB: Fifty hours a year is equivalent to just under 10 minutes per day).
- Other

What is your firm's definition of "*pro bono*?"¹

- Direct provision of legal services to persons of limited means without an expectation of compensation, including volunteer services through Volunteer Lawyers' Program, RILS, the PBC or another non-profit's *pro bono* program;
- Delivery of legal services at no fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights;
- Delivery of legal services to charitable, religious, community, governmental and educational organizations
 - in matters which are designed to address the means of persons of limited means, or
 - that serve persons of limited means
- Mentoring another lawyer doing *pro bono* work;
- CLE instruction (not recommended unless instruction is aimed at training lawyers in order for them to do *pro bono* work).

How will you encourage and recognize *pro bono* work?

- Treat all time spent on *pro bono* matters in the same manner as billable hours for purposes of evaluating lawyers;
- Give billable hour credit for a designated number of *pro bono* hours per year for purposes of evaluating lawyers;
- Encouraging each lawyer to be engaged in one active *pro bono* matter or project at all times;
- Not penalizing or criticizing any lawyer for time devoted to *pro bono* within the firm's policy;
- Encouraging firm partners to involve and mentor associates in their *pro bono* matters;
- Publishing an annual report regarding the firm attorneys' *pro bono* work;

¹ In addition to specifying what work qualifies as *pro bono* it is recommended that the policy also specify what activities are NOT considered *pro bono*, e.g., voluntary financial contributions to non-profit organizations, volunteer service on non-profit boards or bar association activities not related to improving the availability or quality of legal services to people of limited means, non-legal volunteer services, uncollectible fee-generating or contingency matters, etc.

- Placing an annual announcement regarding the firm's *pro bono* work in Lawyer's Weekly;
- Other

What will your policy be on financial contributions to organizations that coordinate legal services to persons of limited means?

- Permitting lawyers to contribute in lieu of fulfilling the firm's *pro bono* expectation;
- Encouraging lawyers to contribute to such organizations *in addition* to providing *pro bono* services;
- Matching any individual lawyer contributions with a firm contribution, or
- Leaving decisions about individual contributions up to individual lawyers.

Who will coordinate the *pro bono* work for the firm's attorneys?

- A *pro bono* coordinator;
- A *pro bono* committee with both partners and associate members; or
- A coordinator and a committee

What roles and responsibilities will be assigned to the *pro bono* coordinator and/or *pro bono* committee?

- Serve as member of firm's management/executive committee;
- Serve as a contact person for the VLP, RILS and the PBC;
- Foster relationships with *pro bono* programs;
- Coordinate case screening and assignments;
- Disseminate information on *pro bono* opportunities to lawyers;
- Match lawyers and opportunities;
- Ensure the same firm standards of quality and care given to the firm's paying clients are afforded to its *pro bono* projects;
- Ensure that proper assistance, supervision and resources are available for *pro bono* services;
- Monitor the status of cases;
- Produce quarterly or annual reports on firm's *pro bono* service;
- Report *pro bono* hours of firm's lawyers to VLP and/or PBC;
- Recognize outstanding service of individual lawyers or of firm as a whole;
- Coordinate publicity for the firm's *pro bono* work.

How will the firm monitor and track *pro bono* cases being handled by its lawyers?

- Lawyers will be expected to report their *pro bono* hours to the *pro bono* coordinator and/or committee;

- The firm will track *pro bono* hours using the same tracking system used for billable hours;
- The firm will track *pro bono* hours using an electronic tracking system other than the one used for billable hours.

Will the firm participate in the ABA's Law Firm *Pro bono* Challenge or the *Pro bono* Institute Law Firm *Pro bono* Challenge?

Will this policy be readily accessible and disseminated to all legal and legal support staff?

Will this policy be readily accessible to the public, particularly potential recruits, law schools, etc?

Will the policy apply to all the lawyers in your firm regardless of position or practice area?

Will your policy apply to, summer associates, interns, paralegal and other support staff?